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Advancement of women

Eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 62/134, the present report provides information on the measures taken by States and other stakeholders to eliminate rape and other forms of sexual violence in all their manifestations. The report concludes with recommendations for future action.

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I. Introduction

1. The General Assembly requested the Secretary-General to report at its sixty-third session on the implementation of resolution 62/134, on measures taken by States and other stakeholders to eliminate rape and other forms of sexual violence in all their manifestations, including when they target victims associated with communities, ethnic groups or other groups regarded as antagonistic to or insufficiently supportive of the group or entity whose forces commit the crime, and are calculated to humiliate, instil fear in, disperse and/or forcibly relocate members of such groups, including, but not limited to, the victims and their families.

2. With a view to the preparation of the present report, a note verbale was sent to all Member States requesting information, and input was also sought from entities of the United Nations system. In all, 29 States[1] responded to the note verbale by the Secretary-General and 16 entities of the United Nations system provided input.[2] The work of intergovernmental and expert bodies of the United Nations was also reviewed.

II. Background

3. The perpetration of the crime of rape and other forms of sexual violence has been a concern of the global community for some time. A number of international and regional legal and policy instruments that are focused on the promotion of gender equality and the prevention and elimination of violence against women explicitly list rape and other forms of sexual violence among those requiring action. Rape and other forms of sexual violence in conflict and related situations have also been the subject of specific attention.

4. The Committee on the Elimination of Discrimination against Women, which monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, outlined, in its general recommendation No. 19 (1992), on violence against women, steps to be taken by States parties to prevent and address rape, including marital rape, and other forms of sexual violence. The Declaration on the Elimination of Violence against Women (resolution 48/104) identifies three settings in which physical, sexual and psychological violence against

[1] Argentina, Australia, Canada, Chile, Colombia, Costa Rica, Cyprus, Estonia, Finland, Germany, Greece, Jamaica, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Mexico, Morocco, the Netherlands, Paraguay, Qatar, the Russian Federation, San Marino, Slovakia, Sweden, Switzerland, Thailand, Turkey and the United Kingdom of Great Britain and Northern Ireland. The present report is therefore based on that limited number of responses.

[2] The Department of Public Information, the Department of Peacekeeping Operations, the Department of Economic and Social Affairs (Office of the Special Adviser on Gender Issues and Advancement of Women and the secretariat of the Permanent Forum on Indigenous Issues), the Office of the United Nations High Commissioner for Human Rights, the Economic and Social Commission for Western Asia, the Economic and Social Commission for Latin America and the Caribbean, the United Nations Development Programme, the United Nations Development Fund for Women, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Interregional Crime and Justice Research Institute, the United Nations Educational Scientific and Cultural Organization and the World Health Organization. UN Action against Sexual Violence in Conflict and the International Organization for Migration also submitted information.

women occurs, referring to violence in the family, with specific mention of marital rape; violence within the general community, with specific mention of rape and sexual abuse; and violence perpetrated or condoned by the State. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) require States parties to take measures to prevent and punish rape and other forms of sexual violence. Rape and sexual violence are also covered in Council of Europe recommendation 2002(5), on violence against women.

5. United Nations conferences on women have, since 1975, progressively emphasized the need to eliminate violence against women, including sexual abuse and rape. The Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in 1995, identified violence against women and women and armed conflict as 2 of 12 critical areas of concern requiring urgent action.

6. Several intergovernmental bodies, including the Commission on the Status of Women, the Commission on Crime Prevention and Criminal Justice and the former Commission on Human Rights, have given guidance on actions to be taken, at various levels and by various stakeholders, to prevent and eliminate specific forms of violence, including rape and sexual violence. The Subcommission on the Promotion and Protection of Human Rights of the Commission on Human Rights dealt for a number of years with the issue of rape, sexual slavery and slavery-like practices during armed conflicts.

7. The Geneva Conventions and the Protocols additional thereto set out specific protections and guarantees for women against rape and other forms of sexual violence.[3] Violations of the human rights of women during armed conflict, including systematic rape, sexual slavery and forced pregnancy,[4] and the use of such treatment of women as a deliberate instrument of war,[5] have been condemned at United Nations conferences since the early 1990s, when the General Assembly dealt with the issue of rape and abuse of women in several conflict situations,[6] denouncing the use of rape as a weapon of war.

8. The International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have recognized sexual violence, including rape, as acts of torture, crimes against humanity and an element of genocide in some circumstances[7] and have contributed to the broadening of the definition of rape under international criminal law. Those gains were subsequently reflected in the Rome Statute of the International Criminal Court, which establishes jurisdiction to

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[3] United Nations (2002), *Women, Peace and Security: study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000)*. Sales No. E.03.IV.1, paras. 118-120.

[4] A/CONF.157/24 (Part I), chap. III, paras. I.28 and II.38 (Vienna Declaration and Programme of Action).

[5] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales. No. E.95.XIII.18), chap. I, resolution 1, annex, para. 4.10.

[6] Resolutions 48/88, 48/143, 49/205, 50/192 and 51/115.

[7] See *The Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, 2 September 1998, International Criminal Tribunal for Rwanda and *The Prosecutor v. Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic*, Case No. IT-96-23 & 23/1, 12 June 2002, International Criminal Tribunal for the Former Yugoslavia.

try crimes of sexual violence, such as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or other sexual violence as war crimes under the category of other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law,[8] and as crimes against humanity when committed as part of a widespread or systematic attack directed at a civilian population.[9]

9. Security Council resolution 1325 (2000) on women and peace and security constitutes a milestone in addressing violence against women, including rape and other forms of sexual violence, in situations of armed conflict. That resolution has now been complemented by Security Council resolution 1820 (2008) on women and peace and security, in which the Council affirmed that effective steps to prevent and respond to sexual violence can significantly contribute to the maintenance of international peace and security, and demanded that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence. The Security Council affirmed its intention to take into consideration the appropriateness of targeted and graduated measures against parties to situations of armed conflict who commit rape and other forms of sexual violence when establishing and renewing State-specific sanctions regimes. It requested the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping operations, and urged troop- and police-contributing countries to take appropriate preventive action. It also requested the Secretary-General to submit a report by 30 June 2009 on the implementation of the resolution in the context of situations on the agenda of the Council.

10. The Security Council has also given guidance to United Nations missions to strengthen the response to rape and sexual violence, as well as the implementation of the policy of zero tolerance of sexual exploitation and abuse, and addressed the issue of sexual and other forms of violence committed against civilians, including children.[10]

11. Human rights treaty bodies have in many instances expressed concern about rape and other forms of sexual violence,[11] including when perpetrated in conflict and related situations. Several special rapporteurs and special representatives with thematic mandates of the Commission on Human Rights and, subsequently, the Human Rights Council, in particular the Special Rapporteur on violence against women, its causes and consequences,[12] have addressed the issue of rape and other forms of sexual violence and made recommendations for preventing and responding to such crimes.

12. Recently,[13] several independent experts and special rapporteurs of the Human Rights Council with country mandates reporting on cases referred to the continuing prevalence of rape and other forms of sexual violence perpetrated by various actors, including Government personnel, police agents, members of the military, armed bandits, members of youth gangs and other, unidentified, armed men wearing

[8] Article 8(2)(b)(xxii).

[9] Article 7(1)(g).

[10] Security Council resolutions 1612 (2005) and 1674 (2006).

[11] A/61/122/Add.1 and Corr.1, paras. 276-279.

[12] See, for example, A/HRC/7/6/Add.4.

[13] Reports issued from 2006 to 2008 were reviewed.

civilian clothes or military uniforms. The high incidence of sexual violence against internally displaced persons was also reported.[14] While experts have also reported on actions undertaken by States to address such violence, including legal and policy efforts, they have also noted that, in many instances, the implementation of those initiatives remained weak.

III. Measures taken by States to implement resolution 62/134

13. As at 6 June 2008, 29 States had responded to the Secretary-General's request for information on the implementation of resolution 62/134, covering steps taken, including in cooperation with other stakeholders, to protect women and girls from such violence, end impunity and ensure access to justice for victims, provide services and support for victims, put in place strategies for prevention, prosecution and monitoring and make available increased resources for work to end violence against women.

14. From the responses received, it is apparent that measures to eliminate rape and other forms of sexual violence form part of the holistic approach taken by States to addressing violence against women. These general efforts are the subject of the Secretary-General's report on the intensification of efforts to eliminate all forms of violence against women (A/63/214). The issue of trafficking in women and girls is covered in the report of the Secretary-General on that topic (A/63/215).

A. Human rights instruments, constitutional frameworks and follow-up to Security Council resolution 1325 (2000)

15. Violence against women is a form of gender-based discrimination and a violation of women's human rights. Addressing discrimination against women is a central element of efforts to prevent and respond to all forms of violence against women, and failure to do so results in and exacerbates such violence. Consequently, the Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1) highlighted the need to secure gender equality and protect women's human rights as one of six key areas for action for the prevention and elimination of all forms of violence against women.

16. The protection of women and girls from violence, including rape and other forms of sexual abuse, requires that States have in place a legal framework that is consistent with their international obligations pertaining to the protection and promotion of the human rights of women and girls. All of the 29 States that submitted information for the present report are party to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination.

17. A State's constitutional framework guides the enactment of legislation and policies, including those on violence against women. Several States that submitted information for the present report highlighted constitutional provisions pertaining to

[14] See A/62/213, A/HRC/4/5, A/HRC/4/3, E/CN.4/2006/115, A/HRC/7/67, A/HRC/4/6, A/HRC/7/18, A/HRC/4/14, E/CN 4/2006/34, A/HRC/7/26, A/HRC/7/22, A/62/354 and A/HRC/6/19.

equality before the law (Qatar), equal protection of the law and recourse in case of violations of rights and freedoms (Canada, Estonia), equal rights of men and women and the State's obligation to ensure that such equality exists in practice (Turkey) and protection against violence (Thailand), including in the family (Paraguay).

18. Several States, including Chile, Estonia, Finland, Sweden and Switzerland, confirmed their commitment to enhancing the implementation of Security Council resolution 1325 (2000), and some have in place national action plans. States are increasingly working with multilateral organizations in according priority to the protection of women's rights in the context of armed conflict through prevention, protecting civilians and addressing impunity. Civilian as well as military and police personnel scheduled to participate in peacekeeping operations are being trained on gender equality, violence against women and Security Council resolution 1325 (2000).

B. Protection measures

19. National action plans and programmes form part of the strategies to prevent and address violence against women and girls in many States, including Argentina, Australia, Canada, Chile, Costa Rica, Cyprus, Finland, Germany, Lithuania, Luxembourg, Slovakia, Sweden and the United Kingdom of Great Britain and Northern Ireland. Such plans and programmes frequently deal with violence against women in general (for example, Argentina and Slovakia) or target family or domestic violence (for example, Canada, Chile, Costa Rica and Lithuania). A number of States have updated earlier plans or adopted new plans.

20. Of the States that provided information for the present report, only the United Kingdom reported having in place a plan that specifically targets sexual violence. In April 2007, the Government launched a cross-Government action plan on sexual violence and abuse. The plan drew on responses to the consultation paper entitled "Convicting Rapists and Protecting Victims — Justice for Victims of Rape", and includes input from across the whole of Government, reflecting the wide-ranging implications of such crimes. The plan sets out steps to deliver key objectives on sexual violence and abuse, and has three major aims: to improve access to health and support services for victims; to improve the way in which the criminal justice system responds to sexual offences; and to maximize opportunities to prevent such crimes. One key element of the plan is to develop national service guidelines for responding to the needs of child victims of sexual abuse, adult survivors of such abuse and adult victims of recent sexual violence.

21. Little information was provided about special measures to protect vulnerable groups of women against rape and other forms of sexual violence. Canada indicated that refugee applicants who are victims of sexual violence may qualify for priority processing under the Urgent Protection Programme of the Canadian Refugee and Humanitarian Resettlement Programme.

C. Measures pertaining to the justice system

22. Many countries, including those that submitted information for the present report, have in place legislation to address rape and other forms of sexual assault. However, studies indicate that only a small number of rapes are reported to the

police, and an even lower percentage result in convictions. The United Kingdom noted that less than 6 per cent of recorded rapes resulted in a conviction and less than 15 per cent came to the attention of the police because many victims did not tell anyone about their experiences. Surveys of the prevalence of violence against women in seven countries showed that, on average, between 4 and 13 per cent of sexual assaults by non-partners were reported. Of those, less than 7 per cent resulted in formal charges. In nine of the countries studied, women were less likely to report sexual violence by a non-partner than to report physical violence. In six countries, between 6 and 16 per cent of sexual assaults by partners were reported, and in one country, reporting was substantially higher, at 39 per cent. Overall, only 1 to 5 per cent of all acts of violence against women resulted in convictions.[15] Reforms of criminal law and criminal procedure have aimed to improve the effectiveness of criminal justice systems in responding to sexual offences, achieving increases in reporting and reducing attrition and appeal rates by defendants.

23. The content of legislation on rape and other forms of sexual violence determines the criminal liability of the perpetrator and is indicative of the degree of seriousness with which legislators regard such crimes. Legislation in Australia, for example, emphasizes sexual autonomy and positive consent standards, while in Greece and San Marino sexual violence and rape are classified as crimes against sexual freedom. The criminal code of the Russian Federation covers offences against the sexual inviolability and sexual freedom of the individual. In April 2005, new legislation in Sweden strengthened the absolute right of every person to personal and sexual integrity and sexual self-determination.

24. Chile amended its sexual violence legislation of 2004 to eliminate references to indecent abuse and to cover sexual abuse, while in Costa Rica a law on violence against women adopted in 2007 criminalizes a range of actions and provides for the protection of victims. In Turkey, sexual offences are now classified as crimes against individuals and no longer as crimes against society.

25. Criminal codes distinguish between different types of sexual crimes. For example, the penal code of Sweden covers a range of sexual crimes, namely, sexual violence against adults (rape, sexual coercion and sexual exploitation of a person in a position of dependency), sexual violence against children (rape of a child, sexual exploitation of a child and sexual abuse of a child) and sexual molestation, which covers sexual violence against adults as well as children.

26. Under the criminal code of Canada, rape and any other form of sexual activity in which there is no consent is considered sexual assault, including within marriage. In Costa Rica, the 2007 law abolished a provision whereby a perpetrator who married the victim would escape punishment. Sweden extended the definition of rape and lowered the requirement of force in 2005 so that rape now encompasses most serious cases of sexual exploitation. In 2007, Thailand amended the criminal code to expand the definition of rape so that all types of sexual penetration are covered by the law. The Sexual Offences Act 2003 of the United Kingdom also expanded the definition of rape.

27. States are increasingly criminalizing rape within marriage (Cyprus, since 1994; Liechtenstein, since 2001; Greece, since 2006; and Thailand, since 2007),

[15] H. Johnson, N. Ollus and S. Nevala, *Violence Against Women: An International Perspective* (New York, Springer-Verlag, 2007).

including within cohabitational partnerships. Since April 2004, the prosecution of that crime has been pursued on an ex officio basis in Switzerland, while in Liechtenstein victims of rape or sexual coercion within marriage or cohabitational relationships must file criminal charges against the perpetrator. In Costa Rica, the 2007 law covers forms of violence within marriage and in common law unions.

28. Penalties vary, but it appears that in all countries that provided information on the issue rape is punishable by imprisonment, for terms ranging from a minimum of one year (Germany) to life in prison for aggravated sexual assault (Canada). Turkey has increased penalties for honour and custom killings. Since 2005, double criminality is no longer necessary in Sweden to sentence offenders for serious sexual crimes committed abroad against children under the age of 18. Several States emphasized that special provisions apply when the victim is a minor.

29. Criminal procedure can be used to protect victims/witnesses, and States increasingly use this area of the law for the benefit of victims of rape or sexual assault. As part of its comprehensive review of the justice system, Jamaica is undertaking research and analysis on procedural law that tends to be prejudicial to female complainants in sexual offences cases.

30. Since 1 April 2006, victims of sexual (and violent) crimes in the Netherlands are, under certain conditions, entitled to free legal assistance from a specialist lawyer, irrespective of their economic situation. Such assistance is available in the criminal process and in civil procedure aimed at obtaining compensation. In Sweden, a victim of sexual assault is entitled to free legal counsel from the initiation of preliminary investigations. A request for such assistance can be made to a police officer, a public prosecutor or a district court. In Finland, victims of sexual offences are entitled at trial to counsel at the expense of the State.

31. Special provisions are in place in some countries to assist victims and witnesses when testifying against perpetrators, such as allowing questioning in a room separate from the perpetrator (Liechtenstein), outside the courtroom by closed circuit television or behind a screen (Canada). Victims may also be accompanied by a person who can provide support. In Canada, Finland, Liechtenstein and Paraguay, for example, personnel from victim support centres accompany victims throughout the criminal legal process. Some States now ensure greater protection of the identity and privacy of victims (Canada and Liechtenstein). In Slovakia, a 2002 law, which was amended in May 2006, increased the compensation to which victims of rape, sexual violence and sexual abuse may be entitled.

32. Several responses, including that of Germany, noted that relevant provisions of the Statute of the International Criminal Court (i.e., article 7(1)(g)), have been incorporated into the legal framework, while the criminal code of the former Yugoslav Republic of Macedonia contains provisions on rape and sexual violence in articles covering crimes against humanity and war crimes against civilian populations. Sweden highlighted its universal jurisdiction for crimes covered by its Act relating to the punishment of genocide and for crimes against international law. It criminalizes as crimes against international law acts of rape and other forms of sexual violence which can, when committed in the context of and associated with an armed conflict and under conditions stipulated in international law, constitute war crimes. If a crime is committed by a member of the armed forces, the lawful superior is also to be sentenced insofar as he was able to foresee the crime but failed to perform his duty to prevent it. Estonia indicated that punishment for relevant acts

against civilians may range from six years to life imprisonment. Its penal law applies to acts committed within, as well as outside, the territory of Estonia if such acts constitute a criminal offence pursuant to the penal law of Estonia and the offender is a member of the defence forces performing his or her duties.

D. Services and support for victims

33. Countries are increasingly working to strengthen and consolidate support systems for victims of violence and to develop and enhance specialized services for victims of sexual violence. Germany and the former Yugoslav Republic of Macedonia, for example, consider cooperation between governmental institutions and non-governmental support agencies to be a key factor for successful action. As a consequence, public entities increasingly work in partnership with civil society organizations, as is the case in Thailand. Measures are also being considered — for example in the United Kingdom — to improve the capacity and sustainability of service providers.

34. Support for victims of crime is frequently grounded in legislation, as in Estonia, where the Victim Support Act of 2004 establishes an entitlement for all victims of crime, including of sexual abuse. The Victims Assistance Act, which entered into force in Liechtenstein in April 2008, has two pillars, counselling and financial assistance. The law in Switzerland, relating to this issue has three pillars, namely, counselling, compensation and the protection of victims' rights in criminal proceedings. A victims' charter is being prepared by the Government of Jamaica following a series of public consultations, and a draft law in San Marino would provide services for victims of domestic violence and sexual assault.

35. Specialized rape crisis centres have been established in a number of countries to provide support and guidance for persons who have been sexually assaulted or abused, as well as for their families. Such centres are a resource for victims, as in Finland and Switzerland, but also a source of expertise for policymakers and administrators, providing insight into the realities of those affected, as in Germany. The United Kingdom maintains and continues to expand a network of sexual assault referral centres, where victims receive medical care and counselling and can undergo forensic examinations. In Finland, young people who have been subjected to sexual violence can receive expert help under the Child and Youth Policy Development Programme of 2007.

36. Hospitals and health-care systems provide services to women victims of sexual violence, including mental health care. They may be the competent forensic service for issuing medical expert reports to support investigation of crimes of sexual violence, as in Greece. The National Centre for Knowledge on Men's Violence against Women at Uppsala University in Sweden has developed a national programme for the care of victims of sexual crimes within the health-care system. Some Swiss cantons have created specialized counselling centres in hospitals for victims of sexual violence. One-stop crisis centres have been established in several hospitals in Thailand to provide counselling, legal assistance, treatment and support for recovery and rehabilitation to victims of all forms of violence against women. Chile is providing differentiated and specialized assistance and is responding to the needs of particularly vulnerable victims, including victims of sexual offences.

Slovakia is drafting guidelines for medical professionals on the provision of health care to women threatened by violence.

37. The police response is critical in ensuring that girls and women victims of rape or sexual assault obtain redress for the crimes committed against them and in preventing impunity for perpetrators. Increasingly, countries are providing specialized training or have put in place designated units to handle such crimes. For example, the centre for the protection of children, youth and women within the police force of Thailand provides assistance to those who have been assaulted or sexually abused.

38. Shelters for women victims of violence exist in many countries, as do hotlines and helplines, but little information was provided about specialized support and advice for victims of sexual violence. Since 2005, a model programme of assistance to women and children victims of violence against sexual integrity in the region of Córdoba, Argentina, has been linked to a shelter for women. Argentina also reported that in 5 per cent of calls placed on hotlines in the first quarter of 2008 references were made to sexual violence.

E. Strategies for prevention, prosecution and monitoring

39. Priority is accorded to efforts to prevent rape and other forms of sexual violence in national action plans. Such efforts respond to the constitutional and international legal obligations of States to protect women against gender-based violence.

40. The Office of the Prosecutor General of Finland organizes training in connection with sexual and violent offences against women and children. As that is one of the areas of focus for the prosecution system of Finland in 2008, five special prosecutors have been briefed on such offences. Mexico has implemented a training programme for staff of the Office of the Special Prosecutor responsible for investigating violence against women and trafficking in persons on interview techniques for victims of sexual violence, while the former Yugoslav Republic of Macedonia trains law enforcement officials at all levels. The Crime Victim Compensation and Support Authority of Sweden is developing a training programme for police, prosecutors and court employees to improve the treatment of victims of sexual crimes. In Turkey, the Ministry of Justice provides training for judges and prosecutors on violence against women, honour and custom killings and related legislation. The United Kingdom introduced sexual offences training for police and barristers prosecuting in serious sexual offences trials. Specialist rape prosecutors and rape coordinators in every Crown Prosecution Service area will receive specialist training and be required to meet minimum standards of expertise.

41. In Chile, sexual offences are investigated by specialized officers, who are periodically trained. A model for support to affected women has been in development since 2006 and will become effective in 2008. In 2006, Luxembourg created a new cell within the police force with responsibility for preventing and eliminating sexual abuse and rape, as well as for investigating sexual offences and disappearances. The Office of the Special Prosecutor of Mexico has the responsibility of investigating and prosecuting crimes covered in the 2007 law on violence against women.

42. Argentina developed a protocol for the police relating to the treatment of victims of violence to be used in all police commissariats. The Ministries of Health and of the Interior of Chile have formed a working group to develop a protocol relating to the treatment of victims of sexual violence, and the United Kingdom is working to adopt a protocol to ensure early cooperation between investigators and prosecutors to improve performance and services for victims of rape. In the period 2007-2008, the Crown Prosecution Service introduced a new performance monitoring system for rape cases, to measure compliance with policy and assess the quality of decision-making and feedback to the police. Indicators used by the Service include the monitoring of its performance in prosecuting rape and sexual offences.

43. Research and collection of data provide important guidance to policymakers and service providers, as they can clarify facts, evaluate the impact of measures taken and point out gaps requiring action. Australia provided funding for research on the prosecution of sexual offences, resulting in two publications, *Recidivism of Sexual Assault Offenders* and *Prosecutorial Decisions in Adult Sexual Assault Cases*, which have been used to inform law reform and offender treatment. The Mediterranean Institute of Gender Studies of Cyprus, a non-profit organization, has received funding from the European Commission Daphne II programme to implement a transnational project entitled "Date rape cases among young women: strategies for support and prevention". The project was launched in August 2006 and will run for two years. It will investigate the incidence of date rape among female students in five countries — Cyprus, Greece, Latvia, Malta and Lithuania — exploring attitudes, dating experiences and levels of awareness of this issue. It will also promote awareness among beneficiaries and target groups and make policy recommendations for the prevention of date rape and the provision of support to victims.

44. Data on crimes covered in penal codes can be derived from crime statistics, and States are improving the way in which such data is collected. Crime statistics have been improved in Sweden as well as in Slovakia, which now disaggregates by sex the data set of the injured person. In Switzerland, the statistical system is under review and will include an evaluation of crime statistics on domestic violence. The national machinery for the advancement of women has commissioned a study covering all forms of intimate partner violence, which is expected to be completed by June 2009. Turkey has started national field research on domestic violence against women, and in 2007 Thailand initiated a database on victims of violence.

45. Costa Rica implemented various measures against sexual violence and teenage pregnancy in 2005, 2006 and 2007, aimed at sensitizing public officials and raising awareness about sexual abuse. In Mexico, the adoption in 2007 of a comprehensive law on the right of women to a life free from violence generated an extensive nationwide debate about the need to eliminate traditional practices of violence against women.

F. Resources to prevent and respond to rape and sexual violence

46. States are allocating dedicated resources for preventing and addressing rape and sexual violence. Such investments are especially important as the cost of violence against women, including rape and sexual assault, becomes better known.

For example, in 2005 the Home Office of the United Kingdom published the results of a research study showing that every adult rape cost more than £76,000. This calculation was based on the emotional and physical impact of the rape, lost output and the costs to the health and criminal justice systems.

47. Governments provide resources to non-governmental organizations and service providers to expand and improve services for victims, and several States, including Australia, Canada, Sweden, Switzerland and the United Kingdom, have increased those resources in the period 2007-2008. Mexico, as well as Paraguay — in cooperation with Spain — are expanding services for women victims of violence.

48. Many States make financial contributions towards United Nations entities' activities relating to gender equality, including the prevention and elimination of all forms of violence against women.

IV. Measures taken by the United Nations system

49. The General Assembly, in paragraph 2 of its resolution 62/134, called upon States and the United Nations system (a) to support all efforts to address rape; (b) to integrate the needs of victims into United Nations humanitarian assistance programmes; and (c) to assign adequate resources to efforts to eliminate violence against women.

50. Many entities of the United Nations system implement activities aimed at the prevention and elimination of all forms of violence against women. In accordance with resolution 62/133, an oral report on such activities will be presented to the General Assembly at its sixty-third session. Paragraphs 51 to 70 below cover entities' efforts to address rape and sexual violence, including the collection of information in that regard. Several entities have expanded their efforts to address sexual and gender-based violence in conflict and post-conflict situations and to integrate the needs of victims of sexual violence into humanitarian assistance programmes. Sixteen entities provided input for the preparation of the present report.

A. Support for all efforts to eliminate rape

51. The specific experience of women and girls in armed conflict is linked to their status in society. If a culture of violence and discrimination against women and girls exists prior to conflict, it will be exacerbated during conflict. According to the Department of Peacekeeping Operations, women and girls are at risk not only during heightened conflict but also during periods of calm, and acts of sexual violence are committed by members of military, militia, police, rebel and former rebel forces, as well as by teachers, parents and criminal gangs.

1. Strengthening the knowledge base, including the development of tools and data collection

52. Entities are developing tools and resources for use by various stakeholders to enhance prevention, respond more effectively to rape and sexual violence, end impunity, prosecute perpetrators and monitor the impact of measures taken. Together with the Global Forum for Health Research, the World Health

Organization (WHO) supported the development of the Sexual Violence Research Initiative, which aims to build a network of researchers, policymakers, activists and other stakeholders to ensure that sexual violence is addressed from the perspective of various disciplines. A conference on the subject is planned for 2009, and a meeting on strengthening the health sector response to sexual violence will take place in June 2009.

53. WHO developed guidelines, entitled "*Clinical management of rape survivors: developing protocols for use with refugees and internally displaced persons*" (updated in 2005) in collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Population Fund (UNFPA) and the International Committee of the Red Cross to support the establishment of rape services in emergency settings. The Economic and Social Commission for Western Asia, in collaboration with UNHCR, is planning to publish guidelines that will focus on security of person for women and gender-based violence as a result of war and armed conflict.

54. In 2008, OHCHR will issue two legal position papers on various aspects of access to justice for victims of sexual violence. Those papers will provide the basis for the development of guidelines and learning resources. The Office is planning to convene a conference on the theme "Seeking justice: getting law" in September 2008 to address the obstacles that women survivors of sexual violence face in transitional justice contexts.

55. Challenges in collecting, analysing and disseminating data on rape persist, and are exacerbated in conflict and emergency situations. Entities of the United Nations system are working to address them. A consultative meeting of experts convened by WHO in 2007 resulted in the development of the *WHO ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies* to address the many serious ethical and safety issues related to information collection. UNHCR has developed a standard reporting format which is used by its country offices to compile data on reported incidents of sexual and gender-based violence. Such data was first published in the UNHCR *Statistical Yearbook 2006*. The Office, with support from UNFPA and the International Rescue Committee, is also working to streamline data collection by non-governmental organizations that provide services to survivors and to enhance the use of such data for programming purposes.

56. United Nations entities collect certain data. For example, the OHCHR office in the Democratic Republic of the Congo documents acts of sexual violence committed by State agents, mainly members of the police and military, as well as armed groups. Efforts are also in place to enhance the capacity of various stakeholders to collect data on rape and sexual violence. For example, UNHCR works to enhance the capacity of staff and health partners to collect data pertaining to rape from refugee camp populations.

57. Efforts are also in place to enhance systematic reporting on rape and sexual violence. The Department of Peacekeeping Operations, for example, works to ensure that reports of the Secretary-General to intergovernmental bodies, including the Security Council, highlight steps being taken to combat sexual and gender-based violence. The child protection unit of the United Nations Stabilization Mission in Haiti (MINUSTAH) has established a data collection system and provides statistics on the rape of girls for various reports.

2. Awareness-raising and advocacy

58. Entities of the United Nations system work to focus global attention on the issue of rape and sexual violence, as well as to mobilize communities to combat the practice. The Department of Public Information has produced several television features on the widespread prevalence of rape in conflict zones. The Department has worked with the United Nations Organization Mission in the Democratic Republic of the Congo to highlight the efforts of the United Nations, the Government of the Democratic Republic of the Congo and non-governmental organizations to combat rape. Together with HBO, the Department of Public Information sponsored the screening, in New York in April 2008, of a film on sexual violence, which was followed by a panel discussion. The Office of the Special Adviser on Gender Issues is working to enhance coordination, raise awareness and build the institutional capacities of key stakeholders within the United Nations system and at the national level for the implementation of Security Council resolution 1325 (2000). It coordinated the preparation of the system-wide action plan for the implementation of the resolution for the period 2008-2009, which also addresses violence against women in conflict and post-conflict situations. In cooperation with the respective regional commissions, the Office organized two high-level policy dialogues, in Santiago (November 2007) and Addis Ababa (February 2008), on the national implementation of the resolution.

59. The United Nations Development Fund for Women (UNIFEM) supports community mobilization efforts to prevent and respond to rape and sexual violence. In Rwanda, it facilitated the establishment of a gender-based violence committee that trained and sensitized residents on the prevention of sexual violence against women. In Burundi, the Fund contributed to the training of women journalists on the penal code and efforts to combat rape. In the Democratic Republic of the Congo and Rwanda, UNIFEM supported the production of radio programmes on care for survivors of sexual and gender-based violence.

3. Capacity-building, including training

60. United Nations entities are intensifying their efforts at the country and regional levels to build the capacities of Member States and other actors to respond to rape and sexual violence, including in conflict and post-conflict and emergency situations. Their work contributes to the establishment of effective legal and policy frameworks. Several United Nations entities supported the Government of Liberia in the development and implementation of its national action plan on sexual and gender-based violence. Gender units in several peacekeeping missions assist national mechanisms for the advancement of women in the development of action plans where these do not exist, to eliminate rape and other forms of sexual violence. In Liberia and Zimbabwe, UNFPA provided reproductive health kits as well as training for clinical management in rape cases.

61. Entities of the United Nations system provide training for various stakeholders to prevent and respond to rape and sexual violence. Several United Nations missions, including those in the Democratic Republic of the Congo, Liberia, the Sudan (Darfur), Sierra Leone, Haiti, the Central African Republic, Chad and Timor-Leste, have intensified training activities on violence against women for national police and the military, as well as civilian, police and military mission personnel. MINUSTAH has supported the judicial system, police and health authorities, as well

as professional and non-governmental organizations, in responding to cases of sexual violence. The OHCHR office in Uganda has carried out training for paralegals on sexual violence. UNIFEM targeted 30 local non-governmental organizations in Iraq with capacity-building activities on sexual and gender-based violence.

62. Reforms in the justice and security sectors in post-conflict societies provide opportunities to increase attention to women's security needs, including the prevention of, and response to, rape and sexual violence. Several entities, including UNIFEM, the United Nations Development Programme and OHCHR, have shared their experiences in the context of relevant reform processes and supported capacity-building activities.

4. Access to justice and services

63. Efforts are also in place to enhance access to justice for women victims of rape and sexual violence. For example, UNFPA supported Liberia in the establishment of a special court for the prosecution of rape cases. The OHCHR office in the Democratic Republic of the Congo has directed action towards the investigation of cases of sexual violence and the monitoring of judicial investigations and trials. Since 2004, the Office has been leading the judicial component of the joint initiative against sexual violence, an inter-agency programme, with the aim of providing an integrated response to victims in five provinces.

64. Several entities, in particular WHO and UNFPA, are working to strengthen the health sector response to rape and sexual violence. WHO, for example, has developed training programmes for health providers, particularly in conflict and post-conflict settings (Burundi, the Congo, Liberia and the Sudan). Based on a dialogue between UNFPA and the Government of the Sudan, survivors of sexual violence can access health services directly without first having to visit the police.

5. Responding to rape and sexual violence in conflict

65. The United Nations system has stepped up its response to sexual violence and violence perpetrated against women and girls in conflict and post-conflict situations and the changing patterns of such violence. In January 2008, gender advisers and gender focal points from 12 multidimensional and 7 traditional (ceasefire monitoring) peacekeeping missions identified sexual and gender-based violence as one of their priority areas of focus for the following 12 months. Gender units in those missions are forming partnerships with entities of the United Nations system in the promotion of the rights of women and girls and in efforts to address sexual and gender-based violence.

66. UN Action against Sexual Violence in Conflict was launched in 2007 to intensify and better coordinate the United Nations system's response to sexual violence during and after armed conflict. This concerted effort by 12 United Nations system entities aims to improve coordination and accountability, expand programming and advocacy and support national efforts to prevent sexual violence in armed conflict and respond effectively to the needs of survivors. The activities of UN Action are structured around three pillars: support for country-level action; advocacy for action; and learning by doing. UN Action is supporting United Nations integrated missions and country teams, in particular in the Sudan (Darfur), Liberia and the Democratic Republic of the Congo, where it funds the post of a Senior

Adviser/Coordinator on sexual violence, who advises the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator in the Democratic Republic of the Congo. UN Action has also offered strategic support to the country teams in Haiti and Kenya.

B. Integrating the needs of victims into United Nations humanitarian assistance programmes

67. The Sub-Working Group on Gender and Humanitarian Action of the Inter-Agency Standing Committee works for the integration of gender perspectives as a cross-cutting issue into the Standing Committee's cluster approach and into other elements of humanitarian reform. The Sub-Working Group's *Guidelines for Gender-based Violence Interventions in Humanitarian Settings* aims to enable communities, Governments and humanitarian organizations, including United Nations entities and non-governmental and civil society organizations, to establish and coordinate the implementation of a set of minimum multisectoral interventions to prevent and respond to sexual violence during the early phase of an emergency.

68. The *UNHCR Handbook for the Protection of Displaced Women and Girls* of 2008 gives guidance on addressing the problems and risks faced by refugee women and girls, including sexual and gender-based violence. The Office's global strategic objectives include a specific objective related to sexual and gender-based violence, namely, that 100 per cent of UNHCR operations will have in place standard operating procedures to prevent and respond to sexual and gender-based violence. Since the introduction of that objective in 2006, UNHCR has noted progress in that area.

69. One of the key strategies of UNFPA is to work with the police throughout conflict and post-conflict areas. In Darfur, UNFPA-supported gender-based violence committees have worked with the African Union civil police to arrange escorts for women and girls during the collection of firewood, as well as to monitor camps for internally displaced persons. UNFPA has sensitized teams of journalists on the complexities of reporting on gender-based violence cases in emergencies in a number of countries, including Sierra Leone, Liberia, Rwanda, the Democratic Republic of the Congo and Côte d'Ivoire. UNIFEM and UNFPA collaborated with the Government of Kenya and non-governmental organizations to integrate gender issues into emergency responses and ensure the integration of prevention and response strategies on gender-based violence into all aspects of humanitarian aid.

C. Resources for efforts to eliminate violence against women

70. Not only are resources available at the level of individual entities; the inter-agency United Nations Trust Fund in Support of Actions to Eliminate Violence against Women, administered by UNIFEM, supports activities by various stakeholders. There is some indication that entities are increasing resources for such work. For example, UNHCR allocated an additional $3.8 million in 2007 to reinforce activities related to sexual and gender-based violence in country operations.

V. Conclusions and recommendations

71. **The present report complements the Secretary-General's report on the intensification of efforts to eliminate all forms of violence against women (A/62/201). Since the adoption of resolution 62/134, the Security Council has taken action on the question of sexual violence and will continue to consider this issue in the context of situations on its agenda (resolution 1820 (2008)).**

72. **Member States in general address rape and sexual violence within the overall context of their holistic approach to addressing violence against women. The General Assembly may therefore wish to consider this issue in future in the context of its ongoing work on the elimination of all forms of violence against women. It may wish to encourage States to accord particular attention to the issue of rape and sexual violence in legislation, policies and programmes and to services for victims, and to end impunity for such crimes.**

73. **States, in cooperation with all relevant stakeholders, should ensure that they have in place, strengthen and effectively implement legal and policy frameworks to protect women and girls from rape, including marital rape, and sexual violence, and end impunity for perpetrators. It is critical that the scope and coverage of legislation is commensurate with the severity of the offence, and that criminal codes use a broad provision covering a range of sexual assaults/crimes and a definition of rape that is based on coercive circumstances or a lack of consent of the victim, and includes marital rape. Rape and sexual violence should be defined as violations of women's right to bodily integrity, and there should be no mitigation of sentences in rape cases where the perpetrator marries the victim. Punishment of perpetrators should be comparable to that for other crimes of similar severity. Measures should be in place to assist victims in criminal procedure, such as free legal assistance, support in court proceedings and protection of the rights of victims/witnesses (privacy and identity), as well as in civil compensation claims.**

74. **Women continue to be victims of rape and sexual violence, perpetrated by intimate partners as well as non-partners, in many settings. They are at particular risk in certain situations, including in conflict and post-conflict settings. Studies indicate, however, that only a small percentage of such crimes come to the attention of the police, and an even smaller number result in convictions. Shame, fear of retaliation from their families or communities, as well as fear of being re-victimized by the criminal justice system, often prevents women from seeking redress.**

75. **It is therefore critical that States have in place an environment that encourages victims of rape and sexual violence to seek and obtain justice and redress and is conducive to ending impunity. Access by victims/survivors to justice must be enhanced by ensuring that the criminal justice system responds effectively to sexual offences and achieves higher reporting and conviction rates. Specialized training for all professionals who come into contact with victims of rape and sexual violence, including police, prosecutors, legal, judicial and health professionals and social workers is critical. Protocols should be in place in all relevant services to ensure consistent professionalism and standards of treatment of victims, and adherence should be systematically monitored.**

76. **Given the often devastating impact of such crimes, States should continue to focus in particular on the prevention and elimination of rape and sexual violence. States should consider adopting plans that specifically target the prevention of and response to sexual violence, expand monitoring and evaluation of their efforts and disseminate lessons learned and good practices so as to facilitate the sharing of experiences.**

77. **States, in cooperation with all relevant stakeholders, should intensify efforts to improve access to health and support services for victims/survivors, such as specialized rape crisis centres that offer a full range of services.**

78. **States should increase their efforts at data collection, support research to strengthen policymaking and continue to undertake awareness-raising and prevention activities. They should provide resources for work to end violence against women, including rape and sexual violence.**

79. **States should place particular emphasis on preventing and responding to rape and sexual violence against vulnerable groups of women. They may wish to encourage the entities of the United Nations system to strengthen their support for the efforts of States to address rape and sexual violence perpetrated against women, especially in situations of conflict and its aftermath, and in humanitarian settings.**